

## CONSTITUTION AND FLAG

HAWAII'S "TRANSITION PERIOD" REDIVIVUS.

Attorney General Dole Contends That the Constitution Stayed Behind the Flag in Hawaii.

Attorney F. M. Brooks and Attorney General Dole put in the noon hour today talking law to Judge Gear on the subject of whether the constitution followed the flag to Hawaii in August, '98, or not. The recent United States Supreme Court decision, which is supposed to have settled the question for Porto Rico, are by no means recognized by Dole, as settling it for Hawaii, and the attorney for the government made a lengthy and elaborate plea for the other view of the case.

In 1899 one Goto, a Japanese, was convicted for a criminal assault, on the verdict of nine jurors, according to Hawaiian law, and in the same year a Chinese named Ah Oe was found guilty of burglary by ten jurors. The Japanese was sentenced for life by Judge Stanley and the Chinese for ten years. On writs of habeas corpus secured by Brooks, the cases came before Judge Gear today, the attorney for the prisoners relying solely upon the decision of the United States Supreme Court that "the constitution followed the flag," though, as the decision stated, the constitution doesn't stay with the flag if an organic act or some other such law drives it away.

Dole had a carefully prepared argument on the subject, holding that the constitutional provision that criminal convictions must be by twelve jurors, and with this provision any others, did not apply to Hawaii by reason of the flag raising of August, '98. Dole argues that the repeal of many Hawaiian statutes regarding criminal matters, resulting from immediate application of the constitution, would have left Hawaii powerless to punish for such crimes as murder, arson, burglary, etc., and that it could not have been the intention to bring about such a state of affairs. He contended that the Hawaiian constitution provided for a government by nine jurors, and that the Hawaiian constitution was in force until Congress provided otherwise. The matter may go to the Supreme Court and may yet reach the United States Supreme Court on points involving the administration of laws during the so-called "transition period."

Judge Gear plainly intimated that he would decide the case by setting the prisoners free. Such a decision opens the way for a general jail delivery, of all men convicted by less than twelve jurors, both of Hawaii, by treaty, and June 14, 1900, and the Judge stated that while he recognized this fact, he felt bound to follow the decision of the United States Supreme Court.

The decision will be rendered tomorrow morning. If Goto and Ah Oe are freed, the way will be open for habeas corpus proceedings to set free many convicts now in Oahu prison. An appeal may be taken by Dole. If not under the expected decision from Gear, the jail doors will swing open for Goto and Ah Oe and every other prisoner convicted on the verdict of less than twelve jurors since August, 1898.

"The Court is aware that the decision may set free many prisoners," said Judge Gear, "and it will give the most careful attention to the arguments of the Attorney General. At the same time, it is impossible for this Court to hold that a man has been convicted and is legally imprisoned until it is satisfied that he was legally convicted."

### THE WEATHER.

Weather Bureau, Honolulu, 1 p. m.  
Wind light northeast; weather hazy and slight sprinkles to fall. Will continue fair.  
Morning minimum temperature, 68; midday maximum temperature, 84; barometer, 9 a. m., 29.95 falling (corrected for gravity); rainfall, 24 hours ending 9 a. m., .01; dew point, 9 a. m., 67; humidity, 9 a. m., 68 per cent.

CURTIS J. LYONS, Observer.

### COLLEGE HILLS.

The Electric Car line is being rapidly constructed through College Hills and is to be in operation by September 1st. The private water supply will be laid through every block by July 1st.

Note Heads, Bill Heads, Statements and Fine Commercial Printing at the Star Office.

## HAWAIIAN TRUST CO., LIMITED

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## MIDSUMMER SNOW STORM

NATURE'S PRANKS ON MAUNA KEA.

In the Midst of a Tropical setting of Drought and Heat There is a Snow Storm on the Mountain Top.

WAIMEA, July 19.—There was a fall of snow on Mauna Kea yesterday. It was a most remarkable sight at this time of the year and attracted the attention of people all over this part of the country.

It seemed like a great stage effect on nature's most stupendous scale. Mauna Kea rising nearly 14,000 feet high was the center of the stage. Its broad sides sloping away for miles in concentric declivities made an amphitheater worthy of the sublime pageantry exhibited.

The whole country yesterday rested under a midsummer sun. The long continued drought showed here and there in great tracts of the boundless pastures brown or bare. Clouds of dust crawled slowly along the road to Honolulu or in the opposite direction toward Waialeale, where the stage or Uncle Sam's mail wagon or some party of travelers drove along. The whole landscape was a setting of summer and drought.

The clouds which are almost always playing about the summit of Mauna Kea, sometimes retreating for a time but seldom long absent, began to gather in force. They massed themselves to the right and left, rolling in great dark, cumulus masses from the ocean on the one side. Presently the very topmost peaks of the mountain were hidden, and then the midsummer snowstorm, the great al fresco stage effect of nature began. Now the snow came in a steady mass of fast falling flakes as though nature were in a hurry to cover something up. Again it twisted and swirled as a fierce wind smote it, giving a wonderful picture of fierce borean elements.

Suddenly it stopped. The heavy clouds moved off to the southwest. The summit of the mountain stood clear and cloudless under the fierce tropical sun, clothed in dawning whiteness. The snowfall had been sufficient to completely cover the mountain for almost a thousand feet down from the summit.

But Nature was merely in pastime. The snow storm was but a passing whim. It was not intended to be the permanent winter covering of the mountain, and in an hour it was gone.

## THE NEW STEEL BRIDGE

SPANNING NUUANU STREAM AT SCHOOL STREET.

The Finest Structure of the Kind Here Nearing Completion—Steel, Concrete and Asphalt.

The Department of Public Works is finishing work on the new School street bridge, though there is a good deal to be done on the concrete and street work before the bridge will be open to the public. "It's the best bridge in the islands," said Assistant Superintendent Marston Campbell this morning. "There's nothing else like it down here." The new bridge is of steel framework throughout with concrete floor, covered with two inches of asphalt. The bridge is over Nuuanu stream. It is seventy-two feet in length and has an approach of fifty feet in steel truss. The structure is completely completed as it is, already presents a fine appearance.

The bridge rests on a steel truss seventy-two feet in length, all of it beneath the bridge, so that there is no obstruction to the view on either side. The asphalt floor is to be 26 feet above the stream. The width of the bridge is 38 feet, 12 feet of which are devoted to overhanging sidewalks on each side, six feet wide and protected by iron railings.

The supports of the bridge rest on large concrete masonry piers in the water. The structure was built to last and it is expected to do service for a long period.

The plans for the bridge came from the American Bridge Company of Canton, Ohio. Superintendent of Public Works Boyd this morning made a visit to the site to see what progress was being made, and found that the contractors were doing rapid work.

THE PALI FENCE.  
Superintendent of Public Works Boyd will make another trip to the Pali on Friday morning, to investigate the matter of putting up a fence to protect travelers where a buggy went over the precipice recently.

DIFFERENCE OF TEN DEGREES.  
The difference in temperature between Honolulu town and Pacific Heights is now 10 degrees Fahrenheit and the difference in humidity from 15 to 20 degrees. This makes Pacific Heights the long looked for ideal site for residence purposes.

## FLAGS!

U. S. ARMY STANDARD

Flags in all sizes up to 40 ft.

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## IS FUJIHARA IN HONOLULU?

BELIEVED HE ESCAPED ON THE MAUNA LOA.

Purser Simerson Says That Suspicious Japanese boarded Vessel at Kawaihae and Came to This Place.

Fujihara the escaped Japanese murderer is believed to be in Honolulu. Confirmatory evidence for this belief was brought today by the Mauna Loa. The officers of that vessel are of the opinion that they brought Fujihara from Hawaii with them on their last previous trip. If this is correct, and there is excellent reason for supposing it is, Fujihara reached Honolulu Friday, July 12. What became of him after his arrival in Honolulu is not known of course, except to his friends. There is a possibility that he may have escaped from the island on the steamship Doric which left here on July 16, for the Orient. It is not probable however that he was so fortunate as that vessel was carefully searched for him.

Fujihara succeeded in escaping from the Hilo jail the night of Wednesday July 10, some time between 11 p. m. and 5 a. m. of July 11. So far as the officials at the jail know he vanished into air the instant he left the prison. The most careful search on their part seems to have found not the slightest trace of the condemned murderer.

Thursday afternoon July 11, the steamer Mauna Loa stopped at Kawaihae for passengers. Gardner K. Wilder and wife, Assistant Superintendent of Public Works Marston Campbell, L. Marx and a Mr. Reed boarded one of the boats to be taken out to the steamer bound for Honolulu. The crowd has been waiting quite a little time for the vessel and so far as known none of them noticed any Japanese loitering about the landing. A few minutes before the passengers boarded the small boat however their ranks were suddenly reinforced by a Japanese. No one had seen the fellow before. His appearance was as sudden almost as if he had dropped out of the sky. He seemed in quite a hurry to get into the boat and hurried aboard it. The boatmen and the fellow under the seat in order to make way for the cabin passengers and the crowd was soon taken to the steamer.

Purser Willie Simerson noticed that the lone Japanese passenger had no baggage. Nothing was then known of the escape of Fujihara so the suspicions of the purser were not aroused by the general behavior of the Japanese. The man was permitted to pay his deck passage to Honolulu and proceeded with the vessel. Subsequently when Purser Simerson learned of the escape of Fujihara he came to the conclusion that the Japanese passenger was none other than the escaped murderer.

"If Fujihara escaped not too late on the morning of Thursday July 11," said Mr. Simerson today "I am certain that the man whom we brought from Kawaihae on our last trip was Fujihara. I remember distinctly about that Japanese looking the vessel at Kawaihae but we had not heard any thing of the murderer escaping so I let him come along. Had he been advised of the escape of Fujihara I would probably not have allowed that Japanese to have gotten on our boat."

The only reason for the slightest doubt of his being Fujihara is whether there was sufficient time for him to have come from Hilo to Kawaihae and catch the Mauna Loa. If the escape was effected not too late in the morning of Thursday the man could easily have ridden across the country and caught the steamer in the afternoon."

As a matter of fact such a trip would have been a comparatively easy thing for a desperate man like Fujihara. Gardner K. Wilder and wife drove across from Hilo in less than 12 hours, and it stands to reason that the Japanese could have made it in far quicker time when driven by the prospect of permanent liberty and saving his neck from the gallows. The escape of the Japanese probably occurred around about midnight of Wednesday July 10 and this would have given Fujihara ample time in which to have made the journey on horseback across the island. That the man was assisted in his escape by outside aid is generally believed. There seems little doubt but that some of his friends provided horses for him to make his relay across to Kawaihae. The final dash to make the steamer was a consistent part of the general daring scheme by which the little fellow effected his escape. By coming to Honolulu Fujihara also showed he was a reckless man which will make him a very dangerous man when cornered by the officers.

Since July 12, when he is supposed to have reached Honolulu, the only vessel by which Fujihara could have escaped to the Orient was the Doric which left July 16. Officers boarded that steamer and searched her for Fujihara so it is not regarded as likely that the murderer got away by that means. If he did however it means that he will never be caught, for once in his own land he will probably be free from any extradition proceedings.

There is a reward of \$250 for the apprehension of Fujihara and now that there is additional reason for thinking that the man may be in hiding in Honolulu or some where on Oahu, the local officers will put forth extra effort to locate him.

WILCOX ON THE GRANT.  
The transport Grant was sighted this afternoon off Koko Head about 1:30 o'clock. She is from San Francisco and left there on the 16. Delegate Robert W. Wilcox and family are probably passengers on the Grant as he wrote friends here recently that he expected to return on that vessel.

SEMI-WEEKLY STAR.  
Honolulu people who are going abroad can have the Semi-Weekly Star mailed to any address for the small sum of twenty-five cents a month. The Semi-Weekly Star contains all the local news of importance, besides the daily stock quotations are published.

NEW SHIRTS.  
L. B. Kerr & Company have just unpacked 25 cases of the most up to date goods in Men's White and Negligee shirts. This lot comprise the very newest ideas in New York. They are being sold with the other goods at Fair Prices.

## WALL FINDS AN OLD MAP

A ROLL OF RAGS IN GEAR'S COURT.

A Map of Kaneohe Lands Made Fifty Years Ago—Pain's Answer in the Hutchinson Suit.

Surveyor Wall was called as the first witness this morning in the case of the Kapilani Estate against the Kaneohe Ranch Company. He came into court with an old worn map, supposed to show the ownership of the disputed lands about half a century ago. The map at once became the subject of legal arguments between Attorneys McLanahan and Sullivan.

Wall's map is supposed to have been made about 1850, "earlier or later" as Wall put it, by A. Bishop. It was in rags, and the only way it could be shown was by spreading it on the floor of the court and using law books to pin down the torn pieces. When it was finally spread out it was found to be a map of the Oahu land which the Kaneohe Ranch Company claims by occupancy.

Wall began to testify about the drawing of the map, but Sullivan's objections cut him off and it was finally decided that he would have to go for the records of his office and testify from them. McLanahan asked him to get the records and he finally got them and went on with his testimony. At noon the jurors were dismissed and Judge Gear took up other matters.

Professor Lyons was a witness after Wall. The case is on this afternoon. In the case of Vivas vs. Kerr the court gave a decision in favor of the defendant. Vivas' suit was for services rendered. His testimony was that Kerr had employed him, while Kerr swore that he had not, and the cases held that plaintiff had failed to establish the case, under the rule of burden of proof. An appeal will be taken by Attorney Chillingworth for Vivas.

In the case of Mrs. Alice Hutchinson against the Hawaiian Tramways Company, the defendant, by its attorneys Holmes and Stanley, has filed an answer. The answer is a general denial.

## SHIP'S OFFICERS PLEAD

Five of the captains and mates charged with cruelty on the high seas appeared before United States Judge Estee this morning and entered pleas of not guilty. In each of the cases the demurrers were filed by Tom Fitch, and pleas in abatement will probably follow. The demurrers, which are the same in all cases, are as follows:

"First, That the defendant before plea entered and demurs to the information on file herein and for ground of demurrer assigns: First that the facts stated do not constitute a public offense in that the offense charged is not such an one as is described in Section 106 of the United States Revised Statutes and

"Second, That the Court has no jurisdiction of the subject matters.

"Third, That there has been no indictment or presentments of defendant by a United States Grand jury.

"Wherefore, defendant asks that he be discharged hence."

Judge Estee made an order appointing Frank Thompson as attorney to defend the four sailors of the C. D. Bryant, who are without counsel. Those defendants and mates, who appeared this morning, after the demurrers had been overruled, all entered pleas of not guilty. They are Captains Tapley and Baker and mates McDonald, Kernes and McCarthy.

## FILLING IN THE AALA TRACT

The work of filling in the Aala tract was begun today under the supervision of Superintendent of Public Works Boyd. The tract has long been one of the most complained of nuisances of the Ewa end of the town, and during plague times it was condemned as a dangerous cause of sickness.

The district is between Nuuanu stream and Liliha street and at present consists of a big swamp. Several cases of plague occurred in Aala lane, during the plague quarantine of over a year ago, and the Board of Health made a visit to the district and declared it all insanitary. There are pools of water under the houses, and ill-smelling pools and swamps in all directions.

The tract, comprising about six acres, is being filled in by a dredger. It will make good land of the district makal of St. Louis college, and will remove an alleged cause of sickness in the college.

BORN.  
BARRY.—At Honolulu, July 23, 1901, to the wife of W. P. Barry, a daughter.

Cuts and bruises are healed by Chamberlain's Pain Balm in about one third the time any other treatment would require because of its antiseptic qualities which cause the parts to heal without maturation. For sale to heal without maturation. For sale to heal without maturation. For sale to heal without maturation.

PACIFIC HEIGHTS RAILWAY.  
No grander scenic view to be had than Pacific Heights affords. Take the Pacific Heights Electric Railway and have a pleasant outing. Round trip fare only 10 cents.

ICE HOUSE DELICACIES.  
Camarines California Fruit Market is the place for ice house delicacies. Everything the California market affords at this season of the year can be found at Camarines.

PACIFIC HEIGHTS RAILWAY.  
Commencing Tuesday, June 25th, cars will be run from Nuuanu Avenue Station at the Tramway terminus, directly connecting with Nuuanu and School streets cars of the Hawaiian Tramways Co. Transfer tickets will be issued by both railways.

Ladies' French dancing slippers at McInerney's Shoe Store, something entirely new.

## ALLEGED MURDERER HERE

SAM KALUNA WILL AWAIT HIS TRIAL.

Was Held to Answer for the Murder of a Japanese Laborer Near Naalehu, Kau.

Sam Kaluna the native who is charged with the murder of Yoshida Sakichi, a Japanese laborer on the Hutchinson Plantation some weeks ago was brought here today on the Mauna Loa from Kau by Officer J. L. J. Kawaha, jailor of Waiohinu. Kaluna has been brought here to await trial at the circuit court for the Kau district as he was held to answer at his preliminary examination.

Week before last J. Martin and a party of men were in the mountains at work for the Hutchinson plantation. Yoshida was dispatched to Naalehu to secure \$50 with which to pay off the various laborers. He never returned and several days after his departure his body was found hidden in a clump of lantern. Sheriff Andrews went down from Hilo to work on the case. He discovered that Kaluna had borrowed a revolver from a white man before the murder of the Japanese and returned it shortly after the discovery of the body. A number of arrests were made, among them being a young native man. The mother of his prisoner was the consort of Kaluna and in order to clear her son she claimed that Kaluna had hinted in a vague way that he had gone out and "done up" the Japanese in the woods.

It was first thought from the condition of the body that the Japanese had been set upon and beaten by a large number of men. Subsequently Sheriff Andrews learned that the murder had been committed probably with a revolver and that the body had been beaten afterwards. An examination of the revolver which Kaluna had borrowed disclosed the fact that the muzzle had evidently jammed into the skull of the Japanese, for sticklike in the barrel was a piece of bone which fitted exactly into a small hole in the skull of the deceased.

Kaluna was, moreover, shown to have been acquainted with the fact that the Japanese had been sent to secure the money with which to meet the pay roll. Kaluna was held to answer and will be taken back for trial at the fall term of court. He gave the officer no trouble on the trip from Kau.

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Charles Smith claimed that he had gone on a Pacific Mail steamer to see a friend and while there had happened to wander near a crowd of native men and boys who were shooting craps. He stood there an instant watching them and while thus occupied the police put in an appearance. There was no evidence to show that the defendant had been gambling or taking any part in the proceedings however. F. Marshall and H. Kalawala were in the same state. Neither had had anything to do with the gambling.

The court remarked that gambling was becoming very common on the Water Front and if things kept on he would be afraid to venture down there for fear that he might be arrested for being inadvertently present at a gambling game. Smith and Kalawala were discharged and the cases against the third was nolle prossed. The others paid their fines.

## NIPPON MARU FROM COAST.

The Nippon Maru was sighted from San Francisco off Koko Head at 1:30 p. m. today. The steamer left San Francisco on the 17. The Minister Conger is probably on board, returning to his post in China.

The Customs Tariff Act of 1897 with alphabetical schedule, revised up to July 1st, 1899—an indispensable book for all importers, just received and for sale by the Golden Rule Bazaar.

Fine Job Printing, Star Office.

## ROYAL Baking Powder

Made from pure cream of tartar.

Safeguards the food against alum.

Alum baking powders are the greatest menaces to health of the present day.

ROYAL BAKING POWDER CO., NEW YORK.

## TO AVERT THE HOODOO

FIREWORKS GALORE AT PAKKE OPENING.

Chinese Firm Averts Ill Luck With Due Ceremony—Interesting Though Noisy Chinese Custom This Morning.

The new store of the Tong Kee Company was formally opened with due oriental eclat at an early hour this morning. Shortly after 4 o'clock Manager Ho Chong Sing made his appearance on the corner of King and Maunakea streets armed with a supply of crackers in red, yellow and green wrappers that would have sufficed for the Fourth of July celebration of a small sized township. A crowd of juvenile Orientals, the Chinese "amin" being very like his American prototype, had gathered to assist in the celebration and there was quite a little coterie of the new firm's business associates and well wishers present to see that the opening was carried out auspiciously.

The requisite joss sticks burned, and the proper offerings having been made overnight, nothing remained but to fire the crackers, beat the gong and trust to their uproar and the interposition of certain mystic texts hung up in the store and wrapped up in the fireworks to foil the malevolence of any evil who might have employed the evil demons of ill luck to enter the store to hoodoo the profits for all time to come.

It seems that besides those hissing fiends who may be evoked by the prayers of jealous rivals there are always a number of unattracted demons whose sole occupation it is to hover round a Chinese wedding, funeral or celebration and throw killoys at the feast. Everything went off in satisfactory fashion under Chong Sing's supervision this morning however and those awakened by the fusillade realized that another triumph had been gained over the powers of evil. It would have taken a sturdy evil to make headway against the artillery set off this morning. The store was papered for a block with fragments of the texts and colored paper, while the crackers exploded merrily for over fifteen minutes to the brazen accompaniment of the gong.

The danger was then announced averted, the fragments were left on the sidewalk as a "keep off the grass" sign to any belated demons who might arrive later on and Ho Chong Sing settled down to every day business.

The firm has commodious premises in a new brick block on the corner of King and Maunakea streets and appears to carry a mixed assortment of goods—Chinese exports, brooms, slippers, hats, matting and tins of molasses. It is fitted up in the latest approved American style and Ho Chong Sing with a merchant's button of the third rank on the top of his hat sits behind his desk waiting for the good luck that is sure to come owing to the kindness of the august and honorable High Sheriff in allowing him to open his business in the correct and orthodox manner.

## SUMMERING ON HAWAII.

WAIMEA, July 19.—Miss Taner and Miss M. Mossman are visiting Mrs. F. W. Carter at Waimea.

Mrs. Fred Waterhouse and children are at the Waimea hotel.

Miss Margaret Walker who has been visiting Mrs. Fred Knight in Waimea, leaves on the Kinoh for Maui, where she will visit Mrs. Dora von Tempisky. Frank Armstrong also leaves by this Kinoh.

## LOSSES PROMPTLY MET.

The conservatism and ability of the management of the Provident Savings Life Assurance Society of New York are notably manifested in the investment of the company's assets; and in this connection the report shows that, during the last year, about \$725,000 was added to its assets. It is also of interest to note that the Provident Savings has made a record and a reputation for promptly meeting its losses, and at the close of last year it reported no death losses due and unpaid. A. Newhouse, resident manager; office: 6 Model Block.

## SEAMLESS SHOES.

L. B. Kerr is making a specialty of Nettleton's seamless shoe for men. See display in window corner Fort and Hotel streets.

## Grand Shoe Sale

OF Ladies' Shoes

Ladies' Boots, hand turn, vent's top \$6.00 cut to \$2.50  
Ladies' Tan Button Boots, \$4.00 cut to \$2.50  
Ladies' Black Kid Button Boots, \$5.00-\$6.00 cut to \$2.00  
Ladies' Black Kid Button Boots, \$3.50-\$4.50 cut to \$1.00  
Ladies' Tan Lace Boots, 5.00-\$6.00 cut to \$2.50  
Ladies' Fine Oxford Ties \$3.00-\$4.00 cut to \$2.00  
Ladies' Strap Slippers, \$5.00-\$6.00 cut to \$2.50  
500 Pairs L. Button Boots and Oxford reduced to \$1.75

## Manufacturer's Shoe Company,